

ORIGINAL

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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:  
UNITED STATES OF AMERICA :  
:  
- v. - : SUPERSEDING INDICTMENT  
:  
ROBERTO DE JESUS SOTO GARCIA, : S4 15 Cr. 765 (PAC)  
:  
Defendant. :  
:  
- - - - - X

OVERVIEW

1. From at least in or about October 2015, up to and including in or about November 2015, Efrain Antonio Campo Flores and Franqui Francisco Flores de Freitas worked with others in an effort to transport a multi-hundred-kilogram load of cocaine from Venezuela to the United States via, among other places, Juan Manuel Gálvez International Airport in Roatan, Honduras ("RTB").

2. In or about November 2015, ROBERTO DE JESUS SOTO GARCIA, the defendant, agreed to participate in the cocaine-transportation venture with Efrain Antonio Campo Flores, Franqui Francisco Flores de Freitas, and others. During discussions that were recorded by law enforcement, SOTO GARCIA agreed to facilitate the receipt of cocaine at RTB by, among other things, providing information regarding the schedule at RTB, assisting

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in the arrival of cocaine-laden aircraft, removing cocaine from the plane, and taking steps to evade detection by Honduran customs and law enforcement personnel at RTB.

COUNT ONE

The Grand Jury charges:

3. From at least in or about October 2015, up to and including in or about November 2015, in Venezuela, Honduras, and elsewhere, and in an offense begun outside of the jurisdiction of any particular State or district of the United States and for which one of two or more joint offenders has been first brought to and arrested in the Southern District of New York, ROBERTO DE JESUS SOTO GARCIA, the defendant, whose point of entry into the United States will be in the Southern District of New York, and others known and unknown, intentionally and knowingly did combine, conspire, confederate and agree together and with each other to violate the narcotics laws of the United States.

4. It was a part and an object of the conspiracy that ROBERTO DE JESUS SOTO GARCIA, the defendant, and others known and unknown, would and did import into the United States and into the customs territory of the United States from a place outside thereof a controlled substance, in violation of Title 21, United States Code, Sections 952(a) and 960(a)(1).

5. It was further a part and an object of the conspiracy that ROBERTO DE JESUS SOTO GARCIA, the defendant, and others known and unknown, would and did manufacture and distribute a controlled substance, intending and knowing that such substance would be unlawfully imported into the United States and into waters within a distance of 12 miles of the coast of the United States from a place outside thereof, in violation of Title 21, United States Code, Sections 959(a) and 960(a) (3).

6. The controlled substance that ROBERTO DE JESUS SOTO GARCIA, the defendant, conspired to (i) import into the United States and into the customs territory of the United States from a place outside thereof, and (ii) manufacture and distribute, intending and knowing that such substance would be unlawfully imported into the United States and into waters within a distance of 12 miles of the coast of the United States from a place outside thereof, was five kilograms and more of mixtures and substances containing a detectable amount of cocaine, its salts, optical and geometric isomers, and salts of isomers, in violation of Title 21, United States Code, Section 960(b) (1) (B).

Overt Acts

7. In furtherance of the conspiracy, and to effect the illegal objects thereof, the following overt acts, among others, were committed:

a. On or about November 5, 2015, ROBERTO DE JESUS SOTO GARCIA, the defendant, and others known and unknown, participated in a meeting in Honduras during which a cocaine transaction, among other things, was discussed.

b. On or about November 6, 2015, SOTO GARCIA, Franqi Francisco Flores de Freitas, and others known and unknown, participated in a meeting in Honduras during which a cocaine transaction, among other things, was discussed.

FORFEITURE ALLEGATION

8. As a result of committing the controlled substance offense charged in Count One of this Superseding Indictment, ROBERTO DE JESUS SOTO GARCIA, the defendant, shall forfeit to the United States, pursuant to Title 21, United States Code, Sections 853 and 970, any and all property constituting, or derived from, any proceeds the defendant obtained, directly or indirectly, as a result of the offense, and any and all property used, or intended to be used, in any manner or part, to commit, and to facilitate, the commission of the offense charged in Count One of this Superseding Indictment.

Substitute Assets Provision

9. If any of the above-described forfeitable property, as a result of any act or omission of ROBERTO DE JESUS SOTO GARCIA, the defendant:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third person;
- c. has been placed beyond the jurisdiction of the Court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be subdivided without difficulty,

it is the intent of the United States, pursuant to Title 21, United States Code, Sections 853(p) and 970, to seek forfeiture of any other property of the defendant up to the value of the above forfeitable property.

(Title 21, United States Code, Sections 853 & 970.)

D. Moulth 6/28/16  
FOREPERSON

Preet Bharara  
PREET BHARARA  
United States Attorney

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ROBERTO DE JESUS SOTO GARCIA,

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SUPERSEDING INDICTMENT

S4 15 Cr. 765 (PAC)

(21 U.S.C. §§ 959(c) & 963; and  
18 U.S.C. § 3238.)

PREET BHARARA

United States Attorney.

A TRUE BILL

D. Mantlo

Foreperson.

6/28/16 Bury SUPERSEDING INDICTMENT. WARRANT RETURNED  
COTJ. 68m